COMPLIANCE FILE
(ASHLAND)
(CO)

COLORADO DEPARTMENT OF HEALTH

Richard D. Lamm
Governor

Frank A. Traylor, M.D.
Executive Director

April 2, 1984

Larry Wapensky
8AH-WM
1860 Lincoln Street
Denver, Colorado 80295

Dear Mr. Wapensky:

We have received the attached letter of March 9, 1984 from Ashland Chemical Co. regarding their desire to operate a facility at the Denver Bannock Street site to receive and store hazardous wastes from small quantity generators for a time period of 11 days to 89 days, prior to shipping the wastes to an out-of-state disposal facility.

Since the State is not yet able to permit such facilities we are forwarding Ashland's request to your attention.

We would appreciate being involved in any decisions made by your Agency regarding this request; please keep me informed.

Sincerely,

Joan W. Sowinski
Hazardous Waste Section Chief
Waste Management Division

JS:pb

Attachment as stated

RECEIVED
APR 9'84
WASTE MGT. BR.

4210 EAST 11TH AVENUE DENVER,COLORADO 80220 PHONE (303) 320-8333

Ashland

Ashland Chemical Company

DIVISION OF ASHLAND OIL, INC.

INDUSTRIAL CHEMICALS & SOLVENTS DIVISION • P.O. BOX 2219, COLUMBUS, OHIO 43216 • (614) 889-3333

MAR 15 1984

March 9, 1983

Joan Sowinski
Section Chief Hazardous Waste
Colorado Health Department
4210 East 11th Street
Denver, Colorado 80220

Reply to:
P.O. Box 19040
4300 S.W. 36th Street
Oklahoma City, Okla 73144
(405) 685-5586

Dear Ms. Sowinski;

Ashland Chemical, the nations largest chemical distributor, has initiated a customer hazardous waste disposal service. Ashland has seen the need to provide our customers with reliable waste disposal and assistance to assure compliance with applicable regulations. Through our experience in the chemical industry and our financial strength we provide a stable link between the generators, and permitted disposal sites.

Ashland hopes to provide this service not only to large accounts, but also to smaller accounts that qualify as small quanity generators. This type of generator has had a hard time fitting in the RCRA system. By utilitizing our distribution fleet we feel we can help bring a legitimate alternative to these generators.

The most limiting factors for generators in the Denver area and most of Colorado is the high cost of hazardous waste transportation due to the distance waste must be hauled. We hope to reduce this problem by consolidating compatable wastes from several generators. This practice will lower transportation cost. The freight per drum is much lower when in full truck loads because the cost of operation per mile doesn't change much, but the cost per drum is reduced spreading the cost amoung several drums.

Our program in Denver is now in the initial growth stages. To facilitate accumulation of truck load quantities it may be necessary to retain small quantity generator waste on site longer than the ten days allowed a tranfer station. This would only be necessary until we develop enough volume to send regular scheduled shipments. We believe that within six months we will be able to schedule pick-ups and limit all holding of wastes to less than ten days.

Before this is possible, however, we must establish ourselves with several small accounts. Simply put, we must be able to deliver this service now to be able to develop enough volume to establish a schedule and eliminate the need to hold any waste longer than a few days.

Ashland will take full responsibility for these wastes and will meet the requirments as the RCRA defines generators of waste. As stated in 40CFR 260.10(26) we will become the generator because "we" caused the waste to become regulated. After explaining this interpretation to the RCRA Hotline, the individual aggreed this would be a viable strategy. Also, we have the environmental liability coverage on our Denver site that would meet the financial requirements of RCRA TSD facilities.

In the near future we hope to expand our Sheridan, Colorado facility and include a section of warehouse space specifically designed as a waste storage area. This is why we have not submitted a Part B application. Due to the time, effort and expense involved we do not want to prepare two applications. We hope to submit a Part B for the facility as soon as arrangements can be made.

In summary, we would like written confirmation that we may hold drummed waste from small quantity generators only for more than ten days but less than ninety days. This would allow us to accumulate truck load quantities of drums and lower transportation costs. This would allow us to offer legitimate waste disposal to large and especially smaller generators. This practice will only be used during the initial start up phase. We estimate it will no longer be a need within six months.

Ashland is committed to proper handling and documentation of each waste transaction and hope to work closely with the Colorado Health Department to meet the hazardous waste needs of generators in Colorado.

If you have any questions please feel free to call me at (405) 685-5586.

Sincerely,

Curtis J. Baker

Curtis J. Baker
Senior Market Specialist
Chemical Waste and Recycling

CC: Jack Sweet, Ashland Chemical

C. Commercial Chemical Product Hazardous Waste (Continued)

U070	U071	U072	U088	U092	U102
U103	U107	U108	U110	U112	U117
U122	U123	U125	U134	U140	U147
U154	U159	U160	U165	U171	U189
U190	U194	U210	U211	U213	U219
U220	U223	U226	U228	U239	

ASHLAND CHEMICAL COMPANY
POSITION PAPER ON INTERIM STATUS

BACKGROUND

Ashland Chemical Company's Industrial Chemicals & Solvents (IC&S) Division operates a network of 60 facilities which store, repackage, and distribute industrial chemicals and solvents in bulk and in drums. 20 of the bulk plants are located in Region IV.

Historically (prior to RCRA), IC&S bulk plants had been engaged in hazardous waste management activities. Although the IC&S plants do not manufacture products, they typically generate hazardous wastes in the form of

(1) waste acids resulting from filling containers and corrosive container rinse-water which is neutralized prior to discharge to publicly-owned treatment works or through NPDES-permitted outfalls; and

(2) waste solvents which are recovered from spillage in drumming and transfer operations or which fail to meet customer specification and are stored on-site in drums or bulk containers prior to sale to facilities which recycle or reuse them or prior to disposal at hazardous waste disposal facilities.

Historically (prior to RCRA), some IC&S plants also assisted their customers by removing spent solvents from the customers' plants, storing the spent solvents at IC&S bulk plants, and arranging for the recycling or disposal of the spent solvents along with Ashland Chemical's own waste solvents.

After the promulgation of RCRA regulations on May 19, 1980 and prior to the implementation date of November 19, 1980, Ashland Chemical Company made a number of adjustments in its operating procedures at IC&S bulk plants to reduce the burdens of compliance with RCRA. Although Section 3010(a) notification of hazardous waste activity for generation and TSDF was filed for each IC&S bulk plant in August, 1980, the Part A applications submitted in November, 1980 were limited to those activities which were then being conducted under conditions requiring RCRA permits. In general, where hazardous waste generated on-site was being accumulated in drums for less than 90 days and the facility had ready access to off-site disposal facilities, Part A application did not identify drum storage as a process

that would be conducted during interim status since no permit was required under those conditions. IC&S plant operating conditions were adjusted to insure that all such wastes were removed during the 90-day accumulation period. Additionally, in most instances, the IC&S bulk plants suspended the practice of assisting customers by removing customers' wastes for storage and disposal along with the IC&S plant wastes.

ASHLAND-CHEMICAL WASTE MANAGEMENT AGREEMENT

Ashland Chemical Company has entered into an agreement with Chemical Waste Management under which the IC&S division will pick up wastes from Ashland Chemical's customers, store the drummed wastes at IC&S bulk plants along with IC&S plant wastes, and transport the customer's wastes to Chemical Waste Management's hazardous waste disposal facilities. Since many, if not most, of the Ashland Chemical customers to be served under the arrangement qualify as small quantity generators subject to the reduced requirements of 40 CFR 261.5, implementation of the arrangement will insure that a significant amount of hazardous wastes not presently managed under the RCRA hazardous waste management program is brought within the RCRA management system. The key to full implementation of the Ashland Chemical-Chemical Waste Management agreement, is qualification of the IC&S bulk plants as RCRA interim status facilities.

ASHLAND CHEMICAL'S POSITION

It is the position of Ashland Chemical Company that those IC&S bulk plants at which a particular hazardous waste management process (i.e., storage in drums) was operated prior to November 19, 1980 but was not included on the Part A application because the process was to be conducted after November 19, 1980 under conditions not requiring a permit or was to be suspended, should be allowed to qualify for RCRA interim status by revising the Part A application to reflect the resumption of operation of the hazardous waste process.

RATIONALE

On July 31, 1981 by memorandum from Douglas MacMillan, Director, Office of Waste Programs Enforcement, to all EPA regional enforcement directors, EPA analyzed Section 3005 of RCRA as imposing the following conditions for achieving interim status:

(1) The facility must have been in existence on November 19, 1980;

(2) The owner or operator must have complied with the requirements of Section 3010(a) of RCRA regarding notification of hazardous waste activity; and

(3) The owner or operator must have complied with the requirements of 40 CFR 12.22(a) and (c) regarding submission of Part A applications.

Since the IC&S plants in Region IV clearly satisfy the first two conditions, the only issue as to their interim status involves their submission of Part A applications.

On November 19, 1980, EPA amended 40 CFR 122.22(a)(1) to clarify that Part A applications need only be submitted within thirty days after the date they first became subject to Parts 264 and 265 rather than by November 19, 1980. In explanation EPA pointed out that a facility which handled hazardous waste prior to November 19, 1980 but was not required to apply for a permit because of a regulatory exemption could qualify for interim status if the owner or operator filed a Part A application within 30 days after losing the exemption. The example provided by EPA was the commencement of on-site storage beyond the 90-day accumulation period.

On December 10, 1981, EPA issued a RIM published in 46 F.R. 60446 further interpreting the interim status requirements of RCRA. In the December 10, 1981 RIM, EPA specifically acknowledged that facilities could qualify for interim status by filing Part A applications after November 19, 1980 "after a change in the facility's own operations after November 19, 1980 brings it within the hazardous waste management system." EPA emphasized that interim status could be achieved only by those owners or operators who were engaged in the activity "on or before November 19, 1980".

CONCLUSION

Since Ashland Chemical Company's IC&S bulk plants had engaged in the drum storage of hazardous wastes prior to November 19, 1980, they are not precluded from qualifying for RCRA interim status if they file a revised Part A permit application within 30 days of finding it necessary to conduct operations in such a manner as to trigger the permit requirement for drum storage of hazardous waste.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

4RC

June 2, 1982

Mr. Lloyd R. Cress
Greenbaum, Doll & McDonald
600 Merrill Lynch Plaza
Post Office Box 1808
Lexington, Kentucky 40593

Re: Interim Status of Ashland Chemical Company
Bulk Plants in Region IV

Dear Mr. Cress:

This is to confirm our telephone conversation of Friday, May 21, 1982, in which we cancelled the May 24th meeting the purpose of which was to discuss the ability of Ashland Chemical's bulk plants to attain interim status. The reason for such cancellation is that we are inclined to concur with the position set forth in your memorandum in a general hypothetical way. However, before we can provide a definitive response, we must evaluate the individual circumstances surrounding the operation of each of the particular bulk plants in question.

Therefore, Ms. Arlene Hendrickson at Ashland Chemical Company should contact Dan Thoman in our Residuals Management Branch (404/881-3067) in order to clarify the precise details for each bulk plant. After such clarification, we can proceed to provide you with the definitive response that you are seeking. If you have any questions in this regard, please do not hesitate to contact me.

Sincerely yours,

Keith M. Casto

Keith M. Casto
Attorney
Office of Regional Counsel

cc: Alex Barber (w/attachments)
Director, Division of Hazardous Waste Management
Kentucky Department for Natural Resources and
Environmental Protection

JUN 14

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278

(212) 264-9898

JUN 9 1982

Ms. Arlene Hendrickson
Engineering Department
Ashland Chemical Company
P.O. Box 2219
Columbus, Ohio 43216

Dear Ms. Hendrickson:

I am writing in response to your letter of May 5, 1982, regarding the amendment of a Part A permit application submitted for the Ashland Chemical Corporation facility in Syracuse, New York. As we have discussed on the telephone, the determining factor in whether Ashland can achieve interim status as a storage facility is whether the company was storing or accumulating wastes of an identical or similar nature prior to November 19, 1980. It is my understanding that Ashland was storing spent or off-spec halogenated solvents at its Syracuse facility before the November 19 date. As such, Ashland is eligible to achieve interim status as a storage facility for those wastes at its Syracuse plant.

Please note that, should it be established that any of the assumptions upon which this letter is based are untrue or invalid, any rights conferred herein may, if appropriate, be withdrawn. Should you have any questions, please call me at (212) 264-9898.

Sincerely yours,

Bruce R. Adler
Attorney
General Enforcement Branch
Enforcement Division

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

JAN 17 1983

REPLY TO ATTN OF: M/S 533

JAN 12 1983

Arlene A. Hendrickson
Environmental Engineer
Ashland Chemical Company
P. O. Box 2219
Columbus, Ohio 43216

Dear Ms. Hendrickson:

On December 2, 1982, you requested that the Environmental Protection Agency (EPA) Region 10 consider the following Ashland Chemical Company plants as having interim status.

1. Ashland Chemical Company
   619 SW. Wood Street
   Hillsboro, Oregon 97123
   EPA Facility No. ORD000711564

2. Ashland Chemical Company
   831 Fifth Avenue South
   Kent, Washington 98031
   EPA Facility No. WAD05711177

As you know, interim status is granted by statute when three conditions have been met. First, the facility must have been operating as a hazardous waste management facility prior to November 19, 1980. Your position paper indicates that all of the Ashland Chemical Company plants were managing hazardous waste prior to this date. It is our understanding that only off-specification commercial chemical products were stored at the Kent and the Hillsboro plants prior to November 19, 1980. The fact that you now wish to expand your operation to include storage of spent solvents for your customers does not pose a problem. This would be considered the same as a request for a process change under interim status. This condition for attaining interim status is, therefore, met. Secondly, the owner or operator of the facility must have submitted the Notification of Hazardous Waste Activity (EPA Form 8700-12) prior to August 18, 1980. We received the form for both the Kent and the Hillsboro plants before that date and, therefore, this condition is met. Thirdly, the owner or operator of the facility must have submitted the Part A

Resource Conservation and Recovery Act (RCRA) permit application prior to November 19, 1980. Part A applications have not been received for these two facilities. However, as stated in your position paper, 40 CFR Part 122.22(a)(1) provides for facilities such as yours to attain interim status. According to your position paper, the plants at Kent and Hillsboro have neither accumulated wastes generated onsite longer than 90 days nor accepted wastes from customers since November 1980 and were, therefore, exempt from the RCRA permitting requirements. The 40 CFR Part 122.22(a)(1) regulation states that such facilities can submit their Part A applications within 30 days after the exemption no longer applies. The 90-day accumulation exemption would not apply if the facility stored waste generated on-site for longer than 90 days or if the facility accepted waste generated at an off-site facility. Therefore, if Ashland Chemical Company submits a Part A application within 30 days of receipt of waste solvents generated by customers or within 30 days of the date the 90-day accumulation period is exceeded, whichever occurs first, this condition will be met and the facility would appear to qualify for interim status. Each facility must be in full compliance with all applicable portions of 40 CFR Part 265 at the time spent solvents from off-site facilities are accepted for storage or when the 90-day accumulation period is exceeded for any wastes generated onsite, whichever occurs first.

EPA Region 10's interpretation, as explained above, is predicated on the assumption that all information as presented in your position paper is accurate. If we should find this is not the case, the interpretation will be modified accordingly and appropriate enforcement action may be taken.

If you have further questions, please call Paul Day, RCRA Compliance & Permits Section at (206) 442-2867.

Sincerely,

Kenneth D. Feigner
Chief, Waste Management Branch

cc: Al Goodman, Oregon Operations Office
Rich Reiter, Oregon Department of Environmental Quality